

TITLE 326 AIR POLLUTION CONTROL DIVISION

Rule Information Sheet

Vigo County SO₂ Updates and Lake and Porter County Reclassification Emergency Rule

Overview

This emergency rule temporarily revises 326 IAC 1-4-46 and 326 IAC 1-4-65 to reclassify Lake and Porter counties for the 2008 8-Hour ozone standard, and 326 IAC 1-4-85 to update Vigo County for the 2010 SO₂ NAAQS. On August 7, 2019, U.S. EPA finalized its determination that the Chicago nonattainment area, which includes Lake and Porter counties in Indiana, that are currently classified as moderate nonattainment, failed to attain the 2008 8-hour ozone NAAQS using 2015 through 2017 monitoring data by the attainment date of July 20, 2018. As required by Section 181(b)(2)(A) of the Clean Air Act, the area has been reclassified to serious nonattainment for the 2008 8-hour ozone NAAQS. On July 8, 2019, the United States Environmental Protection Agency (U.S. EPA) published the redesignation of Fayette and Harrison townships, located in Vigo County, for the 2010 SO₂ NAAQS from nonattainment to attainment in the Federal Register (84 FR 32317). State air permits must be issued in accordance with either the designations in 326 IAC 1-4 or an effective emergency rule that supersedes the existing state rule. Because certain permitting requirements are different for attainment and nonattainment areas, it is critical that the state rules reflect the correct attainment status for each county in the state.

Affected Persons

This rulemaking potentially affects permitted sources that have the potential to contribute to sulfur dioxide in Vigo County or ozone in Lake and Porter County, and any new sources planning to locate in these counties and that could emit pollutants that could impact the applicable standard.

Reasons for the Rule

Updating the designation status from “nonattainment” to “attainment” for part of Vigo County for the 2010 SO₂ NAAQS and reclassifying Lake and Porter counties from moderate nonattainment to serious nonattainment for the 2008 8-Hour ozone standard will allow IDEM to properly issue air permits for affected sources under either the Prevention of Significant Deterioration rules in 326 IAC 2-2, or the Emission Offset rules in 326 IAC 2-3.

Economic Impact of the Rule

There is no economic impact from this rule. This rulemaking does not establish any requirements to which the regulated sources are not already subject through federal requirements. There is no additional fiscal impact beyond that which currently exists in federal rules.

Scheduled Board Action and Hearings*

Board Action: November 13, 2019, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, IN 46204.

*In accordance with IC 4-22-2-37.1, no public hearing is required prior to the adoption of an emergency rule. However, it is the practice of the Environmental Rules Board to allow someone to comment on a proposed emergency rule if the person submits an appearance card prior to the board adopting the emergency rule.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Krystal Hackney, Rules Development Branch, Office of Legal Counsel, (317) 232-3158, (800) 451-6027 (in Indiana), or khackney1@idem.in.gov.